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7 United States of America

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ETHAN ANDREW EVANS TINDUKASIRI,
15 Defendant.

16
17 CASE NO. 1:24-CR-25-JLT-SKO/1:24-
18 CR-24-JLT-SKO
19 STIPULATION REGARDING DEFERRED
20 PROSECUTION AGREEMENT

21 Plaintiff United States of America, by and through its attorney of record, Assistant United States
22 Attorney ARIN C. HEINZ, and defendant ETHAN ANDREW EVANS TINDUKASIRI, both
23 individually and by and through his counsel of record, CAROL ANN MOSES, hereby stipulate as
24 follows:

25 1. The Complaint in this case was filed on July 14, 2022, and defendant first appeared
26 before a judicial officer of the Court in which the charges in this case were pending on July 14, 2022.
27 The court set a preliminary hearing date of July 28, 2022. ECF 3. That hearing was continued pursuant
28 to a stipulation and request to continue it to August 16, 2022. ECF 14. The hearing was continued
pursuant to a stipulation and request to continue it several more times: to November 18, 2022 (ECF 24),
to January 6, 2023 (ECF 29), to March 30, 2023 (ECF 31), to May 19, 2023 (ECF 34), to December 1,
2023 (ECF 42) and then to January 26, 2024.

2. The parties have reached a Deferred Prosecution Agreement for the District Court for

1 review. The Deferred Prosecution Agreement is a fair and just outcome in this case for the following
2 reasons:

3 3. Mr. Tindukasiri suffers from severe mental health diagnoses that have plagued him since
4 he was a teenager. He has a well-documented history that includes multiple 5150 psychiatric holds. His
5 diagnoses include schizoaffective disorder with bipolar disorder and bipolar with general psychosis. His
6 relevant symptoms include psychosis, delusions, paranoia and mania. He also has documented psychotic
7 breaks where he separates from reality.

8 4. During the events in question, Mr. Tindukasiri was suffering from these symptoms
9 largely due to the fact that he stopped taking his prescribed medications and took LSD. His
10 disassociation with reality is visible on body camera when he is interacting with Yosemite Park Rangers.

11 5. The parties have extensively reviewed Mr. Tindukasiri's mental health records in this
12 case and have consulted with experts in Forensic Psychology to understand them. Dr. Richard Blak, a
13 Forensic Psychologist, reviewed Tindukasiri's medical records and conducted multiple psychological
14 tests on him. Dr. Blak concluded that what occurred was a "perfect storm relative to the disorganization
15 of Mr. Tindukasiri's psychological functioning." He also concluded the "offenses were the product of a
16 chemical imbalance in the brain brought on by LSD and alcohol which are disinhibitors and psychedelic
17 type imaginary process and which exacerbated a tendency to be aggressive and hypersexual." However,
18 because Mr. Tindukasiri is engaged in intensive psychological care, medicated, and in a stable residence
19 with his mother, he is "quite emotionally stable" and not using controlled substances.

20 6. Since Tindukasiri has been on release, he has performed well under the supervision of
21 Pretrial Services. Tindukasiri has stabilized on his medications and has been compliant since early on in
22 his supervision. Mr. Tindukasiri has been in intensive mental health care since the origination of this
23 case.

24 7. Specifically, through the County of Orange, from July 2022 to September 2023 Mr.
25 Tindukasiri was in the highest level of care program, which included meeting his clinician 1-2 times a
26 week and attending 2-3 support groups and class during the week. He also has monthly psychiatrist
27 appointments to monitor and dispense medication. In September 2023 he graduated from this level of
28 care because medical experts have determined he no longer meets the criteria for the high level of care.

1 8. His current treatment includes meeting with his clinician once per week, and psychiatrist
2 appointments once per month. He also attends 1-2 Narcotics Anonymous meetings per week.

3 9. He has taken his prescribed medication, attended all appointments, and been overall
4 successful while in mental health care. The parties believe that Mr. Tindukasiri should remain in mental
5 health care in order to ensure he can effectively reintegrate into society.

6 10. The Yosemite National Park victim advocate has been in positive contact with the
7 victims N.D. and M.V. since the allegations came to light. AUSA Laura Berger previously met with
8 both victims to update them about the progress of the case. However, as of late, the Government has not
9 been able to make contact with either N.D. or M.V.

10 11. The victim advocate's last contact with N.D. was on July 24, 2023, where N.D. indicated
11 she was planning to move. Her last contact with M.V. was November 13, 2023; the conversation was
12 focused on M.V.'s desire to have her dress returned. Since that time the victim advocate has reached out
13 multiple times without success.

14 12. Yosemite Park Rangers have attempted to contact M.V. and N.D. through social media
15 and their known relatives. All attempts have been unsuccessful. The Government has not been able to
16 formally brief the victims on this proposed resolution.

17 13. While on bodycam both N.D. and M.V. made statements about what an appropriate
18 disposition of the case could be. M.V. stated law enforcement should "just send him home and try to go
19 easy on him because now you know he has a mental illness." N.D. nodded in agreement and later
20 elaborated that Tindukasiri should not "go to jail...he needs to go home and go to a mental health
21 hospital." Both M.V. and N.D. corroborated that Mr. Tindukasiri had mental illness, was off of his
22 prescribed medications, and had consumed LSD. Finally, both M.V. and N.D. described Mr. Tindukasiri
23 as being in a "psychosis" during the alleged incidents.

24 14. The parties have considered the above in reaching the determination that Deferred
25 Prosecution is appropriate in this case.

26 IT IS SO STIPULATED.

1 Dated: February 15, 2024

PHILLIP A. TALBERT
United States Attorney

6 Dated: February 15, 2024

/s/ ARIN C. HEINZ
ARIN C. HEINZ
Assistant United States Attorney

6 Dated: February 15, 2024

/s/ CAROL ANN MOSES
CAROL ANN MOSES
Counsel for Defendant
ETHAN ANDREW EVANS
TINDUKASIRI